

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and the STATES  
OF THE UNITED STATES *ex rel.* PATRICK  
DONOHUE,

Plaintiffs,

v.

RICHARD CARRANZA, in his official capacity as  
the Chancellor of New York City Department of  
Education, the NEW YORK CITY DEPARTMENT  
OF EDUCATION, THE CITY OF NEW YORK, the  
SCHOOL DISTRICTS OF THE UNITED STATES,  
and COUNTIES OF THE UNITED STATES,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/5/2021

**FILED UNDER SEAL**

20 Civ. 5396 (GHW)

**ORDER**

The United States of America and the co-plaintiff states (the “States”) having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B) and analogous state False Claims Acts, with respect to the claims raised in the amended complaint filed by the relator;

IT IS ORDERED THAT,

1. The amended complaint shall be unsealed thirty days after entry of this Order and, in the event that the relator has not moved to dismiss the action, service upon the defendants by the relator is authorized as of that date. If the relator voluntarily dismisses the amended complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure within this thirty-day period, the relator may seek to modify this Order with the consent of the United States and the States or by motion on notice to the United States and the States.

2. All documents filed in this action prior to the entry of this Order shall remain under seal and not be made public, except for, thirty days after entry of this Order, the relator's complaint and amended complaint, this Order, and the Government's and the States' Notices of Decision to Decline Intervention (the "Notices of Decision"). The relator will serve upon the defendants this Order and the Notices of Decision only after service of the amended complaint.

3. Upon the unsealing of the amended complaint, the seal shall be lifted as to all other matters occurring in this action after the date of this Order.

4. The parties shall serve all pleadings, motions, and notices of appeal filed in this matter, including supporting memoranda, upon the United States and the States. The United States and the States may order any transcripts of depositions. The United States and the States may seek to intervene with respect to the allegations in the relator's complaint, for good cause, at any time, or seek dismissal of this action.


5. All orders of this Court in this matter shall be sent to the United States and the States by the relator.

6. Should the relator or any defendant propose that the amended complaint or any of its allegations be dismissed, settled, or otherwise discontinued, the party or parties proposing such relief must solicit the written consent of the United States and the States (with the exception of the State of Maryland) before applying for Court approval.

7. In accordance with the Maryland False Health Claims Act, Md. Code Ann., Health Gen, § 2-604(a)(7), the State of Maryland having declined to intervene in this matter, all claims asserted on behalf of Maryland are dismissed without prejudice.

Dated: March 3, 2021  
New York, New York

SO ORDERED:

  
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HONORABLE GREGORY H. WOODS  
*United States District Judge*